

**BOARD OF SELECTMEN  
MEETING MINUTES  
THURSDAY, JUNE 16, 2005  
ABLONDI ROOM**

**Attendance:** Katherine E. Murphy, Chair; John H. Stasik, Vice-Chair; Charles J. Sisitsky, Clerk; A. Ginger Esty, Member; Dennis L. Giombetti, Member

**Staff:** George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager; Matthew A. Romero, Executive Assistant

Water and Sewer Rates

Mr. King began his power point presentation to the Board. In response to an inquiry from Ms. Murphy, Mr. Purple explained that a consultant had been secured later than planned, but was currently looking at the methodology for determining water and sewer rates moving forward. Mr. King reviewed the current three-tier system, noting that the theory behind it charged larger water users higher rates to account for the higher cost of delivering water to them. He explained that the components were the water and sewer operating budget, MWRA preliminary assessments, indirect costs, depreciation expenses, and discount programs.

For the water components, the total cost was about \$12.7M, which represented a 16% increase over the previous year. The MWRA portion of the total cost was about \$6.1M, which represented a 22% increase over the previous year, and represented about 48% of the total cost.

For the sewer components, the total cost was about \$13M, which represented a 1% increase over the previous year. The MWRA portion of the total cost was about \$8.1M, which represented a 5% increase over the previous year, and represented about 62% of the total cost.

Mr. King presented the proposed combined rates, which would represent an 11% increase for Tier 1 users, a 10% increase for Tier 2 users, a 13% increase for Tier 3 users, a 23% increase for irrigation rates, and an 11% increase in the rate for users who qualified for the elderly discount. Compared to other communities, however, Framingham would still be on the lower end of the spectrum.

He also presented an alternative scenario that into which the Board had previously asked him to look. The alternative scenario represented a change in the method of billing multi-unit developments, in which the calculations would not divide by the number of units in buildings that had multi-unit use consisting of five or more units. Using this scenario, the combined rates would represent a 1% increase for Tier 1 users, a -9% change for Tier 2 users, a 5% increase for Tier 3 users, a 32% increase for irrigation rates, and a 1% increase for users who qualified for the elderly discount.

Ms. Esty opined that she had always been opposed to the division of the water usage by units for apartment building complexes. Mr. King explained that the cost had to be allocated across the water being used, so to do this projection would change the

underlying assumptions of the existing system. Because the amount of consumption in Tier 2 would decrease, the rate would be reduced for the tier.

Mr. Sisitsky's concern was that changing the system could impact upon the residents of apartment complexes, since the cost could be passed on to the tenants, although the business could technically write the expense off.

Mr. Giombetti asked where single family homes tended to fall, and Mr. King said he could look up the information for the Board.

Ms. Esty noted that a previous Board had assigned the Board of Public Works and the Standing Committee on Public Works to look at the formula.

Mr. Giombetti asked if there would be a method of phasing in the change, and Mr. Sisitsky agreed and suggested monitoring the impact upon the rents. Mr. King agreed that if the Board made a policy decision to phase it in over a period of time, it could be included in the new rate system being developed. Mr. Purple and Mr. King estimated that the new system would likely be ready by fall 2005. Mr. King suggested having a representative of the Board on the committee. Ms. Esty and Mr. Giombetti volunteered to represent the Board on the committee, and Ms. Murphy thanked them for volunteering.

Mr. Bill Haberman, Chair of the Board of Public Works (BPW), gave the Board a report, which including a suggestion to alter the rates to equalize the change across the tiers. Mr. King was concerned with changing the underlying assumptions at this late date, and noted that the system was being changed to be presented in the fall. Ms. Esty reiterated her support for the alternate proposal made by the Manager, which would place a burden on businesses. Ms. Esty moved to adopt the alternate proposal as presented by the Manager, provided it be revisited it after the committee work was completed and after six months, and to carry this policy forward in the new system being designed, and Mr. Giombetti seconded for discussion.

Mr. Stasik asked what would be accomplished by changing the rates to this plan. Ms. Esty explained it would shift the burden on to apartment owners, help ease the burden on businesses, and ease the burden on Tier 2 users. Mr. Sisitsky reiterated the potential burden upon tenants, and was uncomfortable implementing it with such short notice. He felt the water and sewer rates should be revisited once the new study was completed. He recommended following the first plan, and look at the implementation of the concept of the second plan within the new rates system moving forward. Mr. Haberman asked the Board to consider adopting a policy describing how to allocate water for apartment dwellings. He also pointed out that many other locations beside apartments and businesses would be affected, such as Framingham State. Mr. King reiterated that he was unsure that the alternate proposal would work if it was adopted, but that it appeared to work intuitively to him.

Mr. Giombetti asked if the rates could be reset mid-year, and Mr. King confirmed that they could with some limitations. When asked if the figure for infrastructure depreciation was accurate, Mr. King agreed that it should be reevaluated due to the current

infrastructure challenges. Mr. King agreed that the amount of water usage per unit in apartment buildings seemed high.

Mr. Stasik clarified that the tiers were established on a volume basis, and asked why a unit was not considered a unit within a tier for everyone.

MOVED: To adopt the alternate proposal as presented by the Manager, provided it would be revisited it after the water and sewer rate committee's work was completed and after six months, and to carry this policy forward in the new system being designed, and Mr. Giombetti seconded for discussion.

Motion: Ms. Esty

Second: Mr. Giombetti

VOTE: 2 – 3 (motion fails)

MOVED: To adopt the first proposal as presented by the Manager, and to revisit the rates after the proposal was presented by the rates setting committee.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

Mr. Giombetti made the motion to direct the rates setting committee to review the option of implementing the alternate proposal as presented by the Manager into the future rates.

The Board took a recess and then reconvened.

Ms. Esty questioned the legality of the Board meeting in the building since she believed the Acts of 1949 required the Board to be in Town Meeting. Mr. King stated he believed that the Acts only required the Chair of each board and commission to be present, but that not every chair was present.

Mr. Romero re-read the motion for the Board that was on the table. Mr. Stasik stated for the record that he voted for the previous motion because he was uncomfortable making a drastic change before understanding the possible ramifications. Mr. Giombetti suggested having a date certain as a target, and suggested 90 days.

MOVED: To direct the rates setting committee to review the option of implementing the alternate proposal in the new rates setting system.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

Mr. Sisitsky commented that Mr. Sellers had not had an opportunity to make a presentation to the Board about the water, and that every municipality had to undertake a water management study per the order of the DEP. Mr. Sisitsky noted that the Board might have to look into raising the irrigation rates, since the DEP's order encouraged the reduction of water. Mr. Stasik asked if it would be possible to require individual meters for units, and Mr. Sisitsky explained it would be very impractical to do so.

#### Appointments

#### *Board of Health*

MOVED: To reappoint Dr. Tammy Harris to the Board of Health.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

#### Board of Public Works

There were two applicants for one position. Mr. Paul Fahey explained he was interested in serving on any board or commission that the Board felt strongly about. Mr. Sisitsky noted his resume was very impressive, and thanked him for applying.0

MOVED: To reappoint Dr. Tammy Harris to the Board of Health.

Motion: Mr. Stasik

Second: Ms. Esty

VOTE: 5 – 0

#### Community Development Block Grant (CDBG) Committee

Mr. Sam Swisher did not have the attendance list, but the attendance for the majority of the committee was good, and that most absences were excused. To his knowledge all those seeking reappointment had a solid attendance record.

MOVED: To reappoint Marlene Aron, Anne Arvedon, Ellen Bellantoni, Corali De Souza, Beverly Good, Lloyd Kaye, David Morales, Robert Schecter, Ghafooor Sheikh, Roger Small, John Steacie, Karolyne White, Patricia Woodward, and Barbara Melendez to CDBG Committee, and to appoint Paul Fahey to the CDBG Committee for his first term.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Mr. Stasik asked that Mr. Kross be kept in mind for future positions.

#### Conservation Commission

There were three incumbents and one new applicant for three positions.

MOVED: To reappoint Robert McArthur, George Millman, and Vickie Staples to the Conservation Commission.

Motion: Mr. Stasik

Second: Mr. Sisitsky

VOTE: 5 – 0

#### Council on Aging

There were four positions and four incumbents.

MOVED: To reappoint Evelyn Langley, Patricia Paganella, Thomas Pedulla, and Howard Hill to the Council on Aging.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

#### Cultural Council

There were three applicants for fifteen positions.

MOVED: To reappoint James Egan and John Steacie to the Cultural Council, and to appoint Karen Avery to the Cultural Council for her first term.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

The Board asked that any open positions be re-posted.

#### Cushing Memorial Chapel Advisory Committee

There were three applicants for five positions. Mr. Sisitsky made a motion, seconded by Mr. Stasik to appoint the three applicants. Mr. Fahey volunteered to step down from the CDBG Committee, and allow Mr. Kross the opportunity to serve instead. Mr. Stasik asked Mr. Fahey to remain on the CDBG Committee.

MOVED: To reappoint Stanton Fitts and John Speranza to the Cushing Memorial Chapel Advisory Committee, and to appoint Paul Fahey for his first term.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

#### Disability Commission

There were three new applicants and one incumbent for three positions.

MOVED: To reappoint Thelma Berman to the Disability Commission, and to appoint Kathleen Hughes and Elise Marcil to their first terms on the commission.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

#### Economic Development and Industrial Corporation (EDIC)

There were two applicants for three positions. Mr. Stasik felt that this committee had not been getting the support it needed, and suggested having one of the new planners being voted upon at Town Meeting devoted to giving the committee support. Mr. Stasik suggested extending an invitation to Mr. Kross to join the EDIC. Ms. Murphy suggested naming Mr. Fahey to the EDIC and allowing Mr. Kross to take the CDBG Committee position. Mr. Sisitsky suggested considering Mr. Fahey as an Associate Member of the ZBA, for which he had also applied. Mr. Stasik preferred keeping Mr. Fahey on the EDIC. Mr. Fahey asked to remain on the EDIC and ZBA, and step down from the CDBG.

MOVED: To reappoint Robert Snider to the EDIC, appoint Paul Fahey to the EDIC, remove him from the CDBG Committee, and appoint Ed Kross to the CDBG Committee.

Motion: Mr. Stasik

Second: Mr. Sisitsky

VOTE: 5 – 0

#### Fair Housing Committee

There were two applicants for three positions.

MOVED: To appoint Ozzy Diagne and Peter Russo to the Fair Housing Committee.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

Historic District Commission

There were three applicants for three full positions and four alternate positions.

MOVED: To appoint Gerald Couto as the architect full member, Henry Field as the attorney alternate member, and Todd Robeck as the resident full member to the Historic District Commission.

Motion: Mr. Sisitsky

Second: Mr. Stasik,

VOTE: 5 – 0

Historical Commission

There were two incumbents for three positions.

MOVED: To reappoint David Marks and Robert Snider to the Historical Commission.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

Loring Arena Advisory Board

There were two incumbents for two positions.

MOVED: To reappoint Robert Brown and Joseph Tersoni to the Loring Arena Advisory Board.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

Parks and Recreation Commission

There were three applicants for two positions.

MOVED: To reappoint Mark Goldman and Sandra Merloni to the Parks and Recreation Commission.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 5 – 0

Zoning Board of Appeals

There were four applicants for one full position and four associate positions.

MOVED: To reappoint Susan Craighead as a full member, Christine Long and Herbert Lerman as associate members, and to appoint Paul Fahey for his first term as an associate member.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Cushing Memorial Chapel Advisory Committee

Ms. Karolyne White asked if she could fill one of the vacancies for the committee.

MOVED: To appoint Karolyne White to the Cushing Memorial Chapel Advisory Committee.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 5 – 0

Ms. Long asked how much time was involved with EDIC, and Mr. Swisher explained there was one monthly meeting and between meeting assignments. It was not overly taxing most of the year, but the goal was to increase the duties of the committee.

#### Sign By-Law Update

Mr. Stasik gave the Board an update, explaining that the first step would be to review the by-law and make sure it was still consistent with what the Town wanted. Mr. Stasik suggested including the people who had been involved in the past, Ms. Bernstein from the PB, Mr. Steve Daley, and Mr. Dick Paul, who had been a member of the ZBA for many years, and Mr. Stasik. He explained that it would be a discussion group and not a representative committee of the Board. He thought the Board would put the discussion in order and give direction. Mid-August would be the target date for recommendations and a formal presentation to the Board. Mr. Sisitsky thought the recommendations were excellent, but suggested asking the PB and ZBA to select their own representative. Mr. Stasik clarified for Ms. Esty that this review was to ensure the transition was smooth and non-acrimonious. Ms. Esty suggested solidifying the date for compliance. Mr. Stasik suggested including that in the Board's motion after the presentation. Mr. King informed the Board that staff was being geared up to enforce the changes. Town Counsel had confirmed that it appeared to be enforceable, though the Planning Department had expressed concern that it might not be.

MOVED: To form the ad-hoc committee as described by Mr. Stasik, asking the Planning Board and Zoning Board of Appeals to appoint representatives.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

#### Executive Session

MOVED: To go into Executive Session for the purposes of discussing litigation.

Mr. Stasik, Mr. Sisitsky,

5 – 0 (roll call)

Ms. Murphy commented that securing a quorum had been an issue at recent meetings and asked that Board members keep her and the office informed of their absences ahead of time. Mr. Giombetti asked if the future agenda items listing could be reinstated.

MOVED: To adjourn

Motion: Mr. Stasik

Second: Mr. Sisitsky

VOTE: 5 – 0

Respectfully submitted,

Charles J. Sisitsky, Clerk